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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/749,941	12/29/2000	Charles A. Hudson	52493.000129	6817

7590 12/17/2003
Hunton & Williams
1900 K Street, N. W.
Washington, DC 20006-1109

EXAMINER

DAS, CHAMELI

ART UNIT	PAPER NUMBER
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2122

DATE MAILED: 12/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/749,941

Applicant(s)

HUDSON ET AL.

Examiner

C.DAS

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-34 are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1- 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abrams, US 6,151,608 and further in view of Baldwin, Jr. et al (Baldwin), US 5,452,449.

As per claims 1, 18, Abrams discloses:

- receiving one or more enhancements from a developer (Abrams, col 19, lines 20-24 – col 20 lines 1-13, col 18 lines 43-67)
- generating at least one trigger file associated with the one or more enhancements (Abrams, col 12, lines 6, lines 28-32, col 12 lines 1-4)
- where at least one trigger files is generated based on information associated with the one or more enhancements ... enhancements (col 6 lines 28-58)
- migrating the one or more enhancements ... trigger file (Abstract, col 6 lines 28-58, col 15 lines 5-20)
- receiving an indication... successful (col 15 lines 35-60), "the invention verifies the changed data and ensures consistency with the data of the destination table"

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inherently including receiving an indication of whether the step of migrating the one or more enhancements was successful as claimed.

Abrams does not specifically disclose the system comprises one or more program modules and the enhancement comprises at least one of modifying one or more program modules. However, Baldwin discloses the system comprises one or more program modules (Baldwin, Abstract, col 2 lines 9-14, col 3 lines 36-47) and enhancement comprises at least one of modifying one or more program modules (Baldwin, col col 2 lines 8-14, col 6 lines 41-56). Therefore, it would have been obvious to one of the ordinary skill in the art at the time of invention was made to incorporate the teaching of Baldwin into the method of Abrams. The modification would be obvious because one of the ordinary skill in the art at the time of invention was made to increase the speed and accuracy of the analysis process required when making a maintenance change or enhancement (Baldwin, col 2 lines 8-14).

As per claims 2, 19, Abrams discloses where a trigger file is generated for each enhancement (Abrams, Abstract, col 5 lines 48-57, col 6 lines 28-33).

As per claims 3, 20, 26, Abrams discloses archiving a copy of at least a portion of the system ... enhancement (Abrams, Abstract, lines 20-24, col 5 lines 59-63, col 19 lines 5-18).

As per claims 4, 12, 21, 27, 29, 34, Abrams discloses if the received indication indicates that the migration of the one or more enhancements was not successful

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(Abrams, col 8 lines 18-19), reversing the migration ... the system (Abrams, col 8 lines 30), reinstalling the archive copy ... system (col 19, lines 12-14).

As per claims 5, 13, 22, 25, 30, 33, Abrams discloses returning the one or more enhancements to the developer for correction (Abrams, col 13, lines 30-40), where "the records do not pass the tests are loaded into an error file for correction and resubmission" inherently including returning the one or more enhancements to the developer for correction as claimed.

Receiving the one or more corrected enhancement from the developer ... enhancement was successful (Abrams, col 13 lines 20-45, col 15 lines 1-60).

For claims 6, 14, 23, 31(Abrams, col 15 lines 40-48, col 13 lines 30-55, col 14 lines 65-68, col 15 lines 1-15).

For claims 7, 15, (Abrams, col 13 lines 30-55).

For claims 8, 16, (Abrams, col 13, lines 30-40, col 13 lines 20-45, col 15 lines 1-60).

For claim 9, (Abrams, Abstract, lines 20-24, col 5 lines 59-63, col 19 lines 5-18).

For claims 10, 17, (Abrams, col 8 lines 18-19, col 8 lines 30).

For claims 11, 28, see the rejection of claims 1 and 3 above.

For claims 24, 32 (Abrams, col 15, lines 40-45).

3. The prior art made or record and not relied upon is considered pertinent to applicant's disclosure.

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TITLE: "System, method and article of manufacture for configuration management in a development architecture framework, US 6256773 B1

TITLE: Method and system for downloading updates for software installation, US 6493871 B1

TITLE: Control program downloading method for replacing control program in digital broadcast receiving apparatus with new control program sent from digital broadcast transmitting apparatus, US 6470496 B1

TITLE: Methods for improving reliability while upgrading software programs in a clustered computer system, US 6453468 B1

TITLE: System for remote loading of objects or files in order to update software, US 6240550 B1

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chameli Das whose telephone number is 703-305-1339.

The examiner can normally be reached on Monday-Friday from 7:00 A.M. to 3:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Tuan Dam can be reached at 703-305-4552. The fax number for this group are:

(703) 872-9306 (official fax), (703) 746-7240 (non-official/draft), (703) 746 -7238 (after final).

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An inquiry of general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is 703-305-9600.

Chameli C. Das

Chameli C. Das

Primary Patent Examiner

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12/12/03